

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)
)
 v.) Case No. 3:20-cr-00047-JD-MGG
)
TI LEE GOOBER, JR.)

UNITED STATES' SENTENCING MEMORANDUM

Comes now the United States of America through Thomas L. Kirsch II, United States Attorney for the Northern District of Indiana, by Jerome W. McKeever, Assistant United States Attorney, to submit the following memorandum in preparation for the sentencing hearing in this case.

I. The nature and circumstances of the offense.

Ti Lee Goober was sitting in the back passenger side seat of a Chrysler sedan in February of 2020 when a South Bend Police car pulled it over. As the Chrysler pulled to the side of the road, Mr. Goober got out, and looked back to the officer who told him to get back into the car. Mr. Goober then ran. He was caught after about a hundred feet and handcuffed.

The three other people in the Chrysler were asked to exit the car. Police saw in plain view a gun in the backseat of the Chrysler. It was a Glock 23 semi-automatic .40 caliber pistol sitting on the rear floorboard in front of the seat

where Mr. Goober had been sitting. The handle of the gun was facing up, and it was loaded, including a bullet in the chamber.

All the people in the car talked to police. The two women who were sitting in the front seats said that Mr. Goober tried to give the gun to them when the car was pulled over. The gentleman who was sitting next to Mr. Goober in the backseat denied knowing anything about the gun at first, but later admitted that Mr. Goober tried to get the girls in front to take the gun. Mr. Goober was *Mirandized* and denied owning the gun. His DNA was found on the trigger.

II. The history and characteristics of Ti Lee Goober.

Mr. Goober was arrested several times when he was ages 15 and 16. He has one conviction as a 15-year-old for misdemeanor battery that counts toward his criminal history points. Mr. Goober has three adult criminal convictions, all of which involved recovery of a firearm. He was convicted at age 16 of battery by means of a deadly weapon in January of 2018 after Mr. Goober pulled a gun on another person in an alleyway, and that individual turned and ran as six shots rang out, with one hitting the victim's left leg. This conviction qualifies as a felony crime of violence.

Mr. Goober started serving a two-year sentence at the St. Joseph County Community Corrections, which terminated him in March of 2018, and the State filed a petition to revoke placement based on his failure to comply with

the program's rules and regulations. He was released to probation in October of 2018, and the State filed a petition to revoke probation in June of 2019 based on two new criminal offenses. In January of 2020, Mr. Goober admitted to the violation of probation. He was thus under a criminal justice sentence for the battery case when he committed this offense in February of 2020.

South Bend Police responded after hearing shots fired in a March 2019 incident that resulted in Mr. Goober pleading guilty to a misdemeanor charge of carrying a handgun without a license. Mr. Goober had been in a car, and he and another person were in possession of two guns when police heard six shots fired. They threw the guns from the car during pursuit.

A month after he was arrested for the March 2019 handgun charges, Mr. Goober was arrested for theft of an automobile after he was found behind the driver's seat of a car that a woman had reported stolen while she was inside a gas station on Grape Road in Mishawaka. The other person found in the car, a juvenile sitting in the front passenger's seat next to Mr. Goober, had two guns at his feet. Mr. Goober pled guilty to felony theft of an automobile in January of 2020. He has not yet been sentenced in this case, or in the case in which he was guilty of carrying a handgun without a license.

Mr. Goober is now 20 years old. He grew up mostly in his grandmother's house in South Bend, and he would visit his mom's and his dad's respective houses. Mr. Goober is not married, and his girlfriend gave birth to his first child, a daughter, in October. He is not a high school graduate or GED equivalent. He has never held employment.

III. The government's sentencing recommendation.

Mr. Goober is facing 37 months to 46 months of imprisonment under the guidelines. Mr. Goober has a history of arrests in incidents involving firearms, and a history of violating probation. A sentence within the guidelines would be sufficient, but not greater than necessary, to afford adequate deterrence and protect the public. Consistent with the plea agreement, the government is seeking a sentence at the low end of the guidelines, followed by a period of supervised release.

Dated: November 25, 2020

Respectfully submitted,

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